

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

Jerome Richardson,	:	
	:	
Petitioner	:	Civil Action 2:10-cv-01139
	:	
v.	:	Judge Smith
	:	
Michael Sheets, Warden	:	Magistrate Judge Abel
	:	
Respondent	:	

ORDER

Petitioner Richardson's January 25, 2011 motion to stay this habeas corpus action (doc. 18) is DENIED as moot. Petitioner did not file objections to the December 21, 2011 Report and Recommendation that recommended dismissal of all claims on the merits. On January 24, 2011, the Court entered judgment dismissing this case.

Petitioner's motion does not identify the claims he would like to present to the Ohio courts, does not explain why he did not earlier present the claims to the Ohio courts, and does not set out what steps, if any, he has taken to present the claims to the Ohio courts. The Antiterrorism and Effective Death Penalty Act ("AEDPA") advances the states' significant interest in the finality of criminal convictions. Stays undermine finality and the AEDPA's provisions that encourage prisoners to timely present all of their federal claims to the state court at the earliest opportunity. *Rhines v. Weber*, 544 U.S. 269, 277-78 (2005).

Stays should be used sparingly. They should not be granted when the unexhausted grounds are plainly meritless. 544 U.S. at 278. Further, before a court can stay a habeas corpus action, the petitioner must demonstrate good cause for having failed to exhaust his state court remedies. *Id.* Here petitioner has not demonstrated grounds for a stay.

Under the provisions of 28 U.S.C. §636(b)(1)(A), Rule 72(a), Fed. R. Civ. P. and Eastern Division Order No. 91-3, pt. F, 5, either party may, within fourteen (14) days after this Order is filed, file and serve on the opposing party a motion for reconsideration by the District Judge. The motion must specifically designate the order, or part thereof, in question and the basis for any objection thereto. The District Judge, upon consideration of the motion, shall set aside any part of this Order found to be clearly erroneous or contrary to law.

s/Mark R. Abel
United States Magistrate Judge